

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Justin Huang	Team: Squad #4	CCRB Case #: 202104740	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 07/31/2021 8:47 PM	Location of Incident: § 87(2)(b)	Precinct: 112	18 Mo. SOL 1/31/2023	EO SOL 1/31/2023	
Date/Time CV Reported Tue, 08/10/2021 4:07 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 08/10/2021 4:07 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. PO John Gavan	07615	968431	112 PCT
2. PO Donald Leblanc	03223	925589	112 PCT
3. PO Joseph Mugno	10153	954157	112 PCT
4. PO Gerard Norton	07003	965816	112 PCT
5. PO Joemar Wilson	30164	967393	112 PCT
6. SGT Christopher Hassan	04770	944638	CMD LVL TRN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Hussein Elreda	19229	958548	112 PCT

Officer(s)	Allegation	Investigator Recommendation
A. PO Donald Leblanc	Discourtesy: Police Officer Donald Leblanc acted discourteously toward § 87(2)(b)	§ 87(2)(g), § 87(4-b)
B. SGT Christopher Hassan	Abuse: Sergeant Christopher Hassan forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(g), § 87(4-b)
C. PO Donald Leblanc	Abuse: Police Officer Donald Leblanc threatened § 87(2)(b) with the use of force.	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)

### Case Summary

On August 10<sup>th</sup>, 2021, § 87(2)(b) filed this complaint with the CCRB over the phone.

On July 31<sup>st</sup>, 2021, at approximately 8:47PM, Police Officers Donald Leblanc, John Gavan, Joseph Mugno, Gerard Norton, Joemar Wilson, and Sergeant Christopher Hassan, all from 112<sup>th</sup> Precinct, responded to a 911 call regarding harassment at § 87(2)(b) in Queens. While speaking with § 87(2)(b) PO Leblanc shined a flashlight in § 87(2)(b) face (**Allegation A: Discourtesy, § 87(2)(g)** Sgt. Hassan forcibly removed § 87(2)(b) to the hospital (**Allegation B: Abuse of Authority, § 87(2)(g)** While escorting § 87(2)(b) to the ambulance, PO Leblanc threatened to handcuff § 87(2)(b) if he “did anything stupid” (**Allegation C: Abuse of Authority, § 87(2)(g)** § 87(2)(g), § 87(4-b)

There were no arrests made or summons issued as a result of the incident.

The CCRB obtained BWC footage regarding the incident (**BR01**).

### Findings and Recommendations

#### **Allegation (A) Discourtesy: Police Officer Donald Leblanc acted discourteously toward § 87(2)(b)**

It is undisputed that PO Leblanc shined a flashlight at § 87(2)(b) face.

BWC footage from PO Leblanc (**BR01**) shows that at 04:07, § 87(2)(b) explains to the officers that he was using a flashlight to protect himself and see where he was going. § 87(2)(b) then turns on the flashlight and points it at the officers. PO Leblanc and several other officers tell him to turn it off and § 87(2)(b) does so. At 04:19, PO Leblanc turns on his own flashlight and shines it at § 87(2)(b) face while saying, “Do you want me to do this? Do you want me to keep my flashlight on?” At 04:27, PO Leblanc turns off his flashlight.

§ 87(2)(b) (**BR02**) stated that while officers were standing near him, PO Leblanc pulled out his flashlight and briefly pointed it at § 87(2)(b) face. § 87(2)(b) believed that PO Leblanc was trying to provoke him to respond to the officers.

PO Leblanc (**BR03**) stated that he pointed his flashlight at § 87(2)(b) because he wanted to show § 87(2)(b) why it was a problem for him to shine his flashlight at his neighbor’s house as well as shining the flashlight on the officers.

NYPD Patrol Guide Procedure 200-02 (**BR04**) states that officers are required to treat “every citizen with compassion, courtesy, professionalism, and respect.” Furthermore, officers must “maintain a higher standard of integrity than is generally expected of others.”

§ 87(2)(g)

**Allegation (B) Abuse of Authority: Sergeant Christopher Hassan forcibly removed § 87(2)(b) to the hospital.**

It is undisputed that § 87(2)(b) was removed to the hospital.

§ 87(2)(b) (BR02) stated that Sgt. Hassan spoke with § 87(2)(b) who had stepped outside to see what was going on and asked her if § 87(2)(b) had a history of mental illness or mental conditions. § 87(2)(b) said no and asked Sgt. Hassan not to take § 87(2)(b) to the hospital. Sgt. Hassan told § 87(2)(b) that he needed to go to the hospital. After a few minutes, an ambulance arrived on scene. § 87(2)(b) was escorted inside the ambulance and transported to the hospital.

BWC footage from PO Wilson (BR01) shows that at 09:29, Sgt. Hassan tells § 87(2)(b) wife, § 87(2)(b) who is standing by the doorway to their house, that he called for an ambulance and that EMS will evaluate § 87(2)(b) to determine if § 87(2)(b) is a harm to himself or others. Sgt. Hassan also says that if EMS determines that he needs to go to the hospital, then § 87(2)(b) must go to the hospital. BWC footage from PO Leblanc (BR01) shows that at 07:19, PO Leblanc explains to the neighbors (who had dialed 911) that an ambulance is coming, and EMS will perform an evaluation on § 87(2)(b). PO Leblanc also says that the decision on whether to bring § 87(2)(b) to the hospital is up to EMS, not the NYPD. At 13:01, EMS personnel arrive, and EMT1 speaks with § 87(2)(b) and asks him whether he has history of mental illness and if he is taking any medication. While this is happening, PO Leblanc informs EMT2 about his previous interactions with § 87(2)(b). At 14:10, EMT2 tells § 87(2)(b) that he needs to go to the hospital.

Patrol Guide Procedure 216-01 (BR05) states that uniformed members of the service concerned shall cooperate with ambulance/hospital personnel in every reasonable manner.

Sgt. Hassan was not interviewed regarding the incident because his testimony was not necessary to reach a disposition.

Based on BWC footage, EMS personnel made the determination to bring § 87(2)(b) to the hospital after performing an evaluation and speaking with the officers on scene. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

**Allegation (C) Abuse of Authority: Police Officer Donald Leblanc threatened § 87(2)(b) with the use of force.**

It is undisputed that PO Leblanc threatened to place § 87(2)(b) in handcuffs.

§ 87(2)(b) (BR02) stated that he initially refused to go to the hospital. In response, PO Leblanc said, “If you resist the cops, you know what will happen.” § 87(2)(b) took this as a threat of force and was afraid that the officers would hurt him.

BWC footage from PO Leblanc (BR01) shows that at 15:08, PO Leblanc grabs § 87(2)(b) right arm and escorts him to the ambulance. In response, § 87(2)(b) walks with the officers. While walking to the ambulance, PO Leblanc says, “If you do anything stupid, I’m gonna place you in handcuffs, okay?” § 87(2)(b) says, “ok” and continues walking to the ambulance.

PO Leblanc (BR03) stated that he made the statement regarding placing him in handcuffs because he felt § 87(2)(b) tense up his body in response to PO Leblanc escorting him to the ambulance. Since



§ 87(2)(g)

## Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- On August 2<sup>nd</sup>, 2022, a FOIL request was submitted to the Office of the Comptroller. Results will be attached upon receipt (**BR11**).

• [REDACTED] [§ 87(2)(b)] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] (b) [§§ 86(4)]  
[REDACTED]

Squad: 4

Investigator:	<u>Justin Huang</u>	<u>Investigator Huang</u>	<u>08/03/2022</u>
	Signature	Print Title & Name	Date

Squad Leader: Raquel Velasquez      IM Raquel Velasquez      08/04/2022  
Signature      Print Title & Name      Date

Reviewer: \_\_\_\_\_

Signature \_\_\_\_\_ Print Title & Name \_\_\_\_\_ Date \_\_\_\_\_